

Title	Appellate Advisory Committee—Membership Changes (amend Cal. Rules of Court, rule 6.40)
Summary	<p>The Appellate Advisory Committee proposes amending rule 6.40(c) to</p> <ol style="list-style-type: none"> (1) specify that the State Public Defender is a membership category of the Judicial Council’s Appellate Advisory Committee, and (2) clarify that the committee member from the Attorney General’s office must be an appellate attorney.
Source	<p>Appellate Advisory Committee Hon. Joyce L. Kennard, Chair</p>
Staff	<p>Suzanne Murphy (415) 865-7583 suzanne.murphy@jud.ca.gov Ben McClinton (415) 865-7711 ben.mcclinton@jud.ca.gov</p>
Discussion	<p>The Appellate Advisory Committee proposes amending rule 6.40(c), which establishes the committee’s membership, to clarify two membership categories, as follows:</p> <ol style="list-style-type: none"> 1. The person holding the office of State Public Defender has historically been a member of the Appellate Advisory Committee. The current rule has no membership category that designates the State Public Defender as a member (although “criminal defense lawyer” is a membership category). The committee believes that the State Public Defender is specifically needed for the committee’s work and that the rule should make it clear that the State Public Defender will continue to be a member of the committee. 2. The membership category in rule 6.40(c)(9) now reads, “Member of the Attorney General’s appellate group.” It appears that the AG’s office has no attorney division known as the “appellate group.” The committee proposes clarifying the provision to read, “Appellate lawyer of the Attorney General’s office.” The proposed amendment is technical and will not change the structure of the committee. <p>The text of the amendments is attached at page 2.</p>
	Attachment

PROPOSAL

Rule 6.40 of the California Rules of Court would be amended effective January 1, 2002, to read:

Rule 6.40. Appellate Advisory Committee

- (a) **[Area of Focus]** The Appellate Advisory Committee shall make recommendations to the council for improving the administration of justice in appellate proceedings.
- (b) **[Additional Duty]** In addition to the duties described in rule 6.34, the committee shall make proposals on training for justices and appellate support staff to the Governing Committee of the Center for Judicial Education and Research.
- (c) **[Membership]** The committee shall include at least one member from each of the following categories:
- (1) Supreme Court justice;
 - (2) Court of Appeal justice;
 - (3) Trial court judicial officer with experience in the appellate division;
 - (4) Supreme Court clerk administrator;
 - (5) Appellate court administrator;
 - (6) Trial court judicial administrator;
 - (7) Civil appellate lawyer;
 - (8) Criminal defense appellate lawyer; and
 - (9) State Public Defender; and
 - ~~(9)~~ (10) Member Appellate lawyer of the Attorney General's appellate group Office.